

## Chapter NR 26

## FISH REFUGES

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(Section 23.09, Wis. Stats.)

Note: Ch. NR 26 as it existed on December 31, 1976, was repealed and a new ch. NR 26 was created effective January 1, 1977.

**NR 26.01 Fish refuges.** The following described areas are hereby created and established as fish refuges and it shall be unlawful for any person or persons to take, disturb, catch, capture, kill or fish for fish in any manner or at any time in, on or along the following described water areas.

(4) **BAYFIELD COUNTY.** (a) *Camp lake.* That lake known as Camp lake located in section 20, township 44 north, range 8 west.

(b) *Nancy lake.* That lake known as Nancy lake located in section 6, township 45 north, range 8 west.

(c) *Lamereau lake.* That lake known as Lamereau lake located in section 6, township 45 north, range 8 west.

(13) **DANE COUNTY.** (a) *University of Wisconsin arboretum.* All springs, spring holes, streams, potholes and lagoons lying within the boundaries of the university of Wisconsin arboretum located in section 9, township 6 north, range 9 east, town of Madison, and in sections 26, 27, 28, 32, 33 and 35, township 7 north, range 9 east, town of Fitchburg.

(15) **DOOR COUNTY.** (a) *Samuelsons creek.* That stream known as Samuelsons creek from its mouth at the Sturgeon Bay ship canal upstream to its source.

(18) **Eau Claire County.** (a) *Little Niagara creek.* That stream known as little Niagara creek from its mouth at the Chippewa river upstream to its source, said stream flowing through and along Putnam park and the property of the university of Wisconsin-Eau Claire, all located within the city limits of the city of Eau Claire.

(19) **FLORENCE COUNTY.** (a) *Woods creek.* That part of Woods creek beginning at the dam in and across said Woods creek in the NE¼ of the SW¼ of section 28, township 39 north, range 17 east, and extending downstream for a distance of 500 feet.

(20) FOND DU LAC COUNTY. (a) *Parson creek*. That part of the stream known as Parson creek lying on property owned by David Coulter in the E½ of the SE¼ of the SE¼ of section 16, township 14 north, range 17 east.

(26) IRON COUNTY. (a) *Flambeau river*. That part of the Flambeau river located in the SW¼ of the SE¼ and SE¼ of the SW¼ of section 34, township 42 north, range 2 east, and the NE¼ of the NW¼ and the NW¼ of the NE¼ of section 3, township 41 north, range 2 east, beginning at the dam in and across the Flambeau river in section 34, township 42 north, range 2 east, commonly known as the Turtle-Flambeau dam and extending downstream from said dam to the U.S. government gaging station of said river in the NE¼ of the NW¼ of said section 3.

(31) KEWAUNEE COUNTY. (a) Flume of the Kewaunee nuclear power plant.

(36) MANITOWOC COUNTY. (a) Flume of the Point Beach nuclear power plant.

(39) MARQUETTE COUNTY. (a) *Fredreck creek*. That part of Fredreck creek beginning at the downstream side of the bridge on the fish hatchery road and thence upstream to its headwaters, said part of stream lying in sections 1 and 12, township 16 north, range 8 east.

(b) *Grand river*. That part of the Grand river beginning at the Grand River wildlife dam located in the NW¼ of the NW¼ of section 1, township 14 north, range 10 east and extending downstream a distance of 50 feet.

(50) PRICE COUNTY. (a) *Flambeau river (south fork)*. That part of the south fork of the Flambeau river situated in section 26, township 40 north, range 3 east beginning at the dam in and across the south fork of the Flambeau river in said section 26 at the outlet of Round lake and commonly known as the Pike Lake dam and extending thence downstream for a distance of 500 feet.

(54) RUSK COUNTY. (a) *Swift creek*. That part of Swift creek or its backwaters beginning at the Island Lake dam located in the SW¼ of section 21 township 33 north, range 8 west, and thence downstream of Swift creek for a distance of 500 feet.

(57) SAWYER COUNTY. (a) *Chippewa river (west fork)*. That part of the west fork of the Chippewa river beginning at the Moose Lake dam located in section 14, township 41 north, range 6 west, and thence downstream for a distance of 500 feet.

(63) VILAS COUNTY. (a) *Manitowish river*. Beginning at the dam in and across the Manitowish river, located in section 9, township 42 north, range 5 east, commonly known as the Rest Lake dam, and thence downstream from the said dam for a distance of 500 feet.

(b) *Rice creek*. All that part of Rice creek in sections 4, 8 and 9, township 42 north, range 6 east, beginning at Newcomb's Point in section 8 and extending upstream to the outlet of Big lake in section 4.

(c) *Trilby lake*. That lake known as Trilby lake (camp 7) located in sections 11, 12, 13 and 14, township 40 north, range 6 east.

(67) WAUKESHA COUNTY. (a) *Scuppernong springs*. All waters of the Scuppernong spring, Scuppernong creek and Scuppernong river located

in that part of the SW¼ of the NE¼ lying south of state trunk highway 67 and east of county trunk highway ZZ; that part of the NE¼ of the SE¼ lying south and west of state trunk highway 67; that part of the NW¼ of the SE¼ lying south of state trunk highway 67 and east of county trunk highway ZZ; the N½ of the SW¼ of the SE¼ that part of the SE¼ of the SE¼ lying west of state trunk highway 67; all lying in section 34, township 6 north, range 17 east, town of Ottawa.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

**NR 26.02 Fish refuges.** The following described areas are hereby created and established as fish refuges and it shall be unlawful for any person or persons to take, catch, disturb, capture, kill or fish for fish in any manner from January 1 to May 1 each year, both dates inclusive, in, on or along the following described water areas:

(17) DUNN COUNTY. (a) RED CEDAR RIVER. That part of the Red Cedar river beginning at the Cedar Falls dam located in section 6, township 28 north, range 12 west, and extending downstream 4,300 feet; also, that part of the Red Cedar river lying entirely in section 14, township 29 north, range 12 west.

(39) MARQUETTE COUNTY. (a) GRAND RIVER. That part of the Grand river beginning 50 feet downstream from the Grand River wildlife dam in the NW¼ of the NW¼ of section 1, township 14 north, range 10 east and extending downstream for a distance of 300 feet.

(70) WINNEBAGO COUNTY. (a) FOX RIVER (EUREKA DAM). Beginning at the dam in and across the Fox river, located in section 31, township 18 north, range 14 east, commonly known as the Eureka dam, and thence downstream from the said dam for 500 feet.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

**NR 26.03 Fish refuges.** The following described area is hereby created and established as a fish refuge, and it shall be unlawful for any person or persons to take, catch, disturb, capture, kill or fish for fish in any manner or at any time in, on or along the following described water areas throughout the open season for hunting migratory waterfowl each year.

(29) JUNEAU COUNTY. (a) *Meadow Valley flowage.* That part of the Meadow Valley flowage beginning at a point in the E½ of section 10, township 20 north, range 2 east, where the drainage ditch intersects the Meadow Valley flowage road; thence northerly along the east spoil bank of said ditch to the junction of a brushed line at the approximate interior quarter corner of section 3, township 20 north, range 2 east; thence west along said brushed line to its junction with the east-west drainage ditch; thence westerly along the north spoil bank of said ditch to its junction with the main north-south drainage ditch; thence south along the west spoil bank of said ditch to its point of intersection with the Meadow Valley flowage road; thence east along said Meadow Valley road to the point of beginning.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

**NR 26.04 Fish refuges.** The following described areas are hereby created and established as fish refuges, and it shall be unlawful for any person or persons to take, catch, disturb, capture, kill or fish for fish in any manner from January 15 to May 15 each year, both dates inclusive, in, on or along the following described water areas.

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(13) DANE COUNTY. (a) *Castle Marsh*. All of the marshland commonly known as "Castle Marsh" lying north and east of the Chicago and Northwestern railroad right-of-way in the following described area:

Township 8 north, range 9 east.

Section 36 - NE¼ SW¼ NW¼; SE¼ NW¼; SE diagonal NE¼ NW¼; NE¼ SW¼; NW¼ SE¼; SW¼ NE¼ and all of the marshland outlet channel into Lake Mendota and that water area of Lake Mendota proper extending 100 feet in any direction from the mouth of said marshland outlet channel and lying south and west of the Chicago and Northwestern railroad right-of-way in the following described area:

Township 8 north, range 9 east.

Section 36 - NW¼ SE¼ NW¼

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

**NR 26.05 Fish refuges.** The following described areas are hereby created and established as fish refuges and it shall be unlawful for any person or persons to take, catch, disturb, capture, kill or fish for fish in any manner from April 1 to the date immediately preceding the opening date of the general fishing season of each year, both dates inclusive, in, on or along the following described water areas:

(51) PRICE COUNTY. (a) *Big Elk river*. Beginning at the dam in and across the big Elk river located in section 14, township 37 north, range 1 west, commonly known as Jobes dam, and thence downstream 500 feet.

(b) *Solberg creek*. Solberg creek commonly known as Disappearing creek in section 20, township 38 north, range 1 east beginning at the dyke (road crossing) and extending 200 feet upstream.

(c) *Squaw creek*. Beginning at the bridge in section 16, township 38 north, range 1 west, then extending 300 feet upstream and 300 feet downstream.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

**NR 26.06 Fish refuges.** The following described areas are hereby created and established as fish refuges, and it shall be unlawful for any person or persons to take, catch, disturb, capture, kill, or fish for fish in any manner from April 1 to May 14 each year, both dates inclusive, in, on or along the following described water areas:

(26) IRON COUNTY. (a) *Gile flowage*. 1. Junk Shop dike. 200 feet on either side of the Junk Shop dike on Knight road where it crosses the flowage between section 36, township 46 north, range 2 east, and section 1, township 45 north, range 2 east.

2. County trunk highway C. 200 feet on either side of that part of county trunk highway C located in the SW¼ of the NW¼, and in the NW¼ of the SW¼, section 1, township 45 north, range 2 east.

3. *Gile dam*. 200 feet upstream from the dam located in the NW¼ of the NE¼, section 34, township 46 north, range 2 east.

(b) *Turtle river*. Beginning at the dam in and across the Turtle river located in section 6, township 42 north, range 3 east, commonly known as Lake of the Falls dam and thence downstream 1,000 feet.

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(c) *Mercer creek*. That part of Mercer creek located between Mercer and Grand Portage lakes in section 36, township 43 north, range 3 east.

(57) SAWYER COUNTY. (a) *Connors creek*. That part of Connors creek between Lake of the Pines (Pickerel lake) and Connors lake, all in section 22, township 38 north, range 3 west.

(b) *Island creek*. That part of Island creek between Black Dan lake and Island lake, all in sections 1 and 2, township 39 north, range 5 west.

(c) *Knuteson creek*. That part of Knuteson creek beginning at Chetac lake in section 9, township 37 north, range 9 west and extending upstream to Knuteson lake in section 10, township 37 north, range 9 west.

(d) *Melviney creek*. All waters of Malviney creek, sections 9 and 16, township 37 north, range 9 west.

(e) *Squaw creek*. That part of Squaw creek beginning at Chetac lake and extending upstream for a distance of 1,000 feet, all in section 33, township 38 north, range 9 west.

(f) *Totogatic river*. That part of the Totogatic river beginning at Nelson lake in section 14, township 42 north, range 9 west and extending upstream to the Seeley Fire Lane road crossing in section 2, township 42 north, range 9 west.

(g) *Unnamed stream*. That part of the unnamed stream beginning in the NW¼ of section 16, township 37 north, range 9 west and extending upstream to a point 1,000 feet above state trunk highway 48 in section 21, township 37 north, range 9 west.

(65) WASHBURN COUNTY. (a) *Balsam Lake outlet*. That part of the waterway between Balsam lake and Red Cedar lake extending for a distance of 200 feet upstream and downstream from state trunk highway 48, all in section 34, township 37 north, range 10 west.

(b) *Bear creek*. That part of Bear creek extending 100 feet upstream and downstream from the town road crossing, all in sections 34 and 35, township 37 north, range 12 west.

(c) *Birch creek*. That part of Birch creek beginning at Balsam lake in section 26, township 37 north, range 10 west and extending upstream to the dam at the outlet of Birch lake in section 25, township 37 north, range 10 west.

(d) *Little Mud lake outlet*. That part of the waterway between Little Mud lake and Long lake extending for a distance 100 feet upstream and downstream from the town road crossing, all in sections 1 and 12, township 37 north, range 11 west.

(e) *Slim creek*. That part of Slim creek beginning at Long lake in section 16, township 38 north, range 10 west and extending upstream to the dam at the outlet of the Slim creek flowage in section 10, township 38 north, range 10 west.

(68) WAUPACA COUNTY. (a) *Little Wolf river*. Beginning at the dam in and across the Little Wolf river, located in section 15, township 23 north, range 13 east, in the village of Manawa, and thence downstream from the said dam for 500 feet.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

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**NR 26.07 Fish refuges.** The following described areas are hereby created and established as fish refuges, and it shall be unlawful for any person or persons to take, catch, disturb, capture, kill, or fish for fish in any manner from March 1 to June 30 of each year, both dates inclusive, in, on or along the following described water areas.

(29) **JUNEAU COUNTY.** (a) *Meadow Valley flowage.* That part of the Meadow Valley flowage lying in the following described area:

Township 20 north, range 2 east.

Section 1 - W½

Sections 2, 3, 4, 5 and 6 - Entire sections

Section 7 - N½

Section 8 - N½

Section 9 - N½

Section 10 - N½

Section 11 - All that part lying north of the Meadow Valley flowage road and west of state highway 173.

**History:** Cr. Register, December, 1976, No. 252, eff. 1-1-77; r. (71), Register, December, 1977, No. 264, eff. 1-1-78.

**NR 26.08 Fish refuges.** The following described areas are hereby created and established as fish refuges, and it shall be unlawful for any person or persons to take, catch, disturb, capture, kill, or fish for fish in any manner from March 1 of each year to the date immediately preceding the opening date of the general fishing season, both dates inclusive, in, on or along the following described water areas.

(13) **DANE COUNTY.** (a) *Yahara river.* 1. City of Madison. From the Tenney locks in section 12, township 7 north, range 9 east, downstream for a distance of 900 feet.

2. *Village of McFarland.* From the Exchange street bridge in sections 3 and 10, township 6 north, range 10 east, upstream and downstream for a distance of 600 feet in either direction.

(14) **DODGE COUNTY.** (a) *Beaver Dam creek.* That portion of Beaver Dam creek from county highway G bridge in the NW¼ of the NE¼, section 17, township 12 north, range 13 east, upstream to the Beaver Dam lake outlet in the SW¼ of the SW¼, section 9, township 12 north, range 13 east.

(b) *Mill creek.* That portion of Mill creek from the Fox Lake dam in the SW¼ of the NE¼, section 26, township 13 north, range 13 east, downstream to Beaver Dam lake in the SW¼ of the SW¼, section 3, township 12 north, range 13 east.

(20) **FOND DU LAC COUNTY.** (a) *Fond du Lac river.* That portion of the Fond du Lac river from U.S. highway 41 downstream to the Hickory street bridge in the city of Fond du Lac.

(b) *Silver creek.* That portion of Silver creek from C.T.H. "NN" (old state highway 23) downstream to the Green Lake - Fond du Lac county line.

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(66) WASHINGTON COUNTY. (a) *Cedar creek*. That portion of Cedar creek commencing at the dam which is the outlet of Big Cedar lake, downstream to the Kettle of Little Cedar lake, all in sections 32 and 33, township 11 north, range 19 east.

(b) *Pike Lake dam*. Beginning 500 feet above the dam at Pike lake, thence north and downstream on the Rubicon river to the St. Paul railroad right-of-way, in sections 14 and 23, township 10 north, range 18 east.

(68) WAUKESHA COUNTY. (a) *Bark river*. 1. From the inlet to Upper Nemahbin lake in the NW¼ of the NE¼, section 24, township 7 north, range 17 east upstream to the first dam at Mill road in the city of Delafield.

2. From the inlet to Lake Nagawicka in the NE¼, section 8, township 7 north, range 18 east, upstream to the highway 83 bridge in the NE¼, section 9, township 7 north, range 18 east.

(b) *Oconomowoc river*. From the inlet to Okauchee lake in the SE¼, section 19, township 8 north, range 18 east, upstream to the North lake outlet in the SE¼, section 17, township 8 north, range 18 east.

(c) *Pewaukee lake inlet*. An unnamed stream beginning at its mouth in the NE¼ of the NE¼, section 7, township 7 north, range 19 east, upstream including drainage ditches to the highway 16 bridge in the NE¼, section 6, township 7 north, range 19 east, and to the bridge at

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(c) *Big Arbor Vitae lake*. That part of Big Arbor Vitae lake beginning at the lake outlet in the NE¼ of the SE¼, section 30, township 40 north, range 7 east, extending downstream for a distance of 500 feet.

(d) *Little Arbor Vitae lake*. That part of Little Arbor Vitae lake beginning at the lake outlet in the NW¼ of the SW¼, section 33, township 40 north, range 7 east extending downstream for a distance of 500 feet.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

**NR 26.20 Fish refuges.** The following described areas are hereby created and established as fish refuges and it shall be unlawful for any person or persons to take, disturb, catch, capture, kill or fish for fish in any manner from April 10 to the date immediately preceding the opening date of the general fishing season of each year, both dates inclusive, in, on or along the following described water areas:

(44) ONEIDA COUNTY. (a) *Wisconsin river*. That part of the Wisconsin river beginning from the Rainbow flowage dam, county highway "D", the SW¼ of the SW¼, section 30, township 39 north, range 8 east, downstream from the said dam for a distance of 500 feet.

(b) *Pelican river*. That part of the Pelican river below the 5th lake dam of the Moen lake chain in the SE¼, section 4, township 36 north, range 10 east and extending downstream from the said dam for a distance of 500 feet.

(c) *Little Rice creek*. That part of Little Rice creek below the Oneida lake dam in the NE¼ of the NE¼, section 8 extending downstream to Hancock lake.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

**NR 26.21 Fish refuges.** The following described areas are hereby created and established as fish refuges, and it shall be unlawful for any person or persons to take, disturb, catch, capture, kill of fish for fish in any manner from April 10 to May 20 each year, both dates inclusive, in, on or along the following described water areas:

(44) ONEIDA COUNTY. (a) *Tomahawk river*. That part of the Tomahawk river beginning from the Cedar Falls dam in the NE¼ of the NE¼, section 27, township 38 north, range 5 east, downstream from the said dam for a distance of 500 feet.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

**NR 26.22 Fish refuges.** The following described areas are hereby created and established as fish refuges and it shall be unlawful for any person or persons to take, disturb, catch, capture, kill or fish for fish in any manner from April 10 to May 15 each year, both dates inclusive, in, on or along the following described water areas:

(64) VILAS COUNTY. (a) *Little St. Germain*. That part of Little St. Germain beginning at the lake outlet in the SW¼ of the SE¼, section 36, township 40 north, range 8 east extending downstream for a distance of 500 feet.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

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**NR 26.23 Fish refuges.** (1) In order to prevent substantial depletion of the fish supply, the following described spawning areas and nursery areas in Lake Superior are hereby created and established as fish refuges and it shall be unlawful for any person to take, catch, capture, kill or fish for fish in any manner at any time in, on or along the following described water area: from the southernmost point of Outer Island in a straight line and a southerly direction to the Gull Island light and then south to the northernmost point of Michigan Island proceeding in a southerly direction following the shoreline of Michigan Island to the Michigan Island light, thence southerly to the center of the mouth of the Bad river in Ashland county; thence due east to the Michigan state line; thence northerly along the state line to a point due east of the southerly tip of Outer Island; from that point due west to the southernmost point of Outer Island, the place of beginning excluding those waters within one-half mile of the mainland shoreline of Ashland county; all that area within these external boundaries wherein the lake bottom lies at a depth of 35 fathoms (210 feet) or less.

(2) In order to prevent substantial depletion of the fish supply, the following described spawning areas in Lake Superior are hereby created and established as fish refuges and it shall be unlawful for any person to take, catch, capture, kill or fish for fish in any manner from September 1 to November 15, both dates inclusive in, on or along the following described water areas:

(a) Sand Cut defined as an area bounded by a line extending from the Madeline Island bell buoy #2 due south to a point intersecting the shore of Long Island; thence due east to a point intersecting a line extending directly south from Big Bay Point; thence northward along that line to a point intersecting a line extending due east from the Madeline Island bell buoy #2; thence due west to Madeline Island bell buoy #2, the location of said buoy being  $90^{\circ}45''$  west by  $46^{\circ}45''$  north.

(b) Cat Island Shoal is defined as an area bounded by a line extending from the northernmost end of Cat Island easterly to the Outer Island Light; thence westerly to the northernmost end of North Twin Island; thence southwesterly to the northernmost end of Rocky Island; thence southeasterly to the north end of Cat Island, the place of beginning.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

**NR 26.24 Fish refuges.** The following described areas are hereby created and established as fish refuges and it shall be unlawful for any person or persons to take, disturb, catch, capture, kill or fish for fish in any manner from March 1 to May 15 and September 1 to December 31 each year, both dates inclusive, in, on or along the following described water areas.

(15) DOOR COUNTY. (a) *Ahnapee river.* That portion of the Ahnapee river from the Forestville dam in section 29, township 26 north, range 25 east, downstream for a distance of 500 feet.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77.

**NR 26.25 Fish refuges.** The following described areas are hereby created and established as fish refuges and it shall be unlawful for any person or persons to take, disturb, catch, capture, kill or fish for fish in any manner from the first Saturday in May to June 1 of each year,

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both dates inclusive, in, on or along the following described water areas:

(26) IRON COUNTY. (a) That part of the Manitowish river from the bridge at state highway 47, sec. 9, township 42 north, range 4 east, upstream to the Vilas county line, sec. 12, township 42 north, range 4 east.

(63) VILAS COUNTY. (a) That portion of the Manitowish river (excluding the lake basins of Vance, Sturgeon and Benson lakes) from U.S. highway 51, sec. 7, township 42 north, range 5 east, downstream to the Iron county line, sec. 7, township 42 north, range 5 east.

History: Cr. Register, December, 1977, No. 264, eff. 1-1-78.